

FILED

AUG 02 2006

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA; et al.,

Petitioners,

v.

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent.

Nos. 01-71051, 01-71321
01-71544, 02-70254
02-70266, 02-70275
02-70282, 02-70285
02-70301, 02-72113
03-73887, 03-74252
03-74527, 03-74531
03-74594, 04-73501

BONNEVILLE POWER
ADMINISTRATION; et al.,

Petitioners,

v.

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent.

Nos. 02-70262, 02-70270
02-70274, 02-70294
03-70185

ORDER

Before: THOMAS, McKEOWN, and CLIFTON, Circuit Judges

The court *sua sponte* extends the time by 45 days for filing petitions for panel rehearing and/or rehearing *en banc* in these coordinated petitions to allow the parties time to assess prospects for settlement. Fed. R. App. P. 40(a)(1)("[I]n a civil case, if the United States or its officer or agency is a party, the time within which any party may seek rehearing is 45 days after the entry of judgment, unless an order shortens or extends the time.>").

The court previously extended the time for seeking panel rehearing and/or rehearing *en banc* of its September 6, 2005 opinion in *Bonneville Power Administration v. FERC*, 422 F.3d 908 (9th Cir. 2005), and provided parties with 45 days from the publication of the court's opinion in *Public Utilities Commission v. FERC*, Nos. 01-71051, *et al.*, to seek rehearing of the *Bonneville Power* decision. The effect of this order gives all parties in these coordinated petitions 90 days from the date of this order to seek panel rehearing and/or rehearing *en banc* of these two decisions.

We direct Senior Circuit Judge Edward Leavy to oversee and explore with the parties possible resolution through mediation. Absent a further order by the court, the time for seeking panel rehearing and/or rehearing *en banc* of the *Bonneville Power* and *Public Utilities Commission* decisions will expire 90 days from the date of this order.